HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.19534 of 1997

22.8.2007

Between

Vaddi Yellamma ..Petitioner

AND

The Joint Collector, Chittoor and others ..Respondents

:: JUDGMENT :

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P. No.19534 of 1997

This writ petition has been instituted calling in question the correctness of the proceedings of the Sub-Collector, Madanapalle, Chittoor District dated 12.5.1997 whereby he set aside the orders passed by the Mandal Revenue Officer, Kalikiri Mandal on 1.10.1993 assigning in favour of the writ petitioner land situate in Survey No.1081/2 of Marrikuntapalli Village of Kalikiri Mandal in Chittoor District over an extent of Ac.4.75 cents.

The history of the case reveals that the land of an extent of Ac.4.75 cents situate in Survey No.1081/2 of Marrikuntapalli Village was originally assigned in favour of one N.Chinnappa as on 30.1.1959. Unfortunately, the said individual sold the said land in favour of one V.Reddeppa Reddy through a registered sale deed on 30.8.1967. The original assignee N.Chinnappa appears to have subsequently died issueless and it is V.Reddeppa Reddy and his successors who are in possession of the land in question. But however, entertaining the request of the present writ petitioner – Smt.Vaddi Yellamma, w/o Vaddi Ranga Reddy, the very same land was assigned in her favour on 31.3.1990 by the Mandal Revenue Officer. This glaring error of not retrieving the title of the land by duly canceling the first assignment made on 30.1.1959 in favour of Chinnappa, had been noticed by the Mandal Revenue Officer. Therefore, he reported the matter to the District Collector, Chittoor and solicited permission to cancel the orders passed by him in favour of Vaddi Yellamma on 31.3.1990 as it came to be passed under a mistaken notion that the land is a free hold one. Entertaining this report, the District Collector appears to have passed orders in his

proceedings dated 16.8.1993 according necessary permission to the Mandal Revenue Officer to cancel the assignment made mistakenly in favour of Smt.Vaddi Yellamma. Drawing inspiration from the orders passed by the District Collector on 16.8.1993, the Mandal Revenue Officer has called upon the writ petitioner as to why the land assigned to her be not resumed. Against these orders dated 1.10.1993, which were followed up by unilateral action of the Mandal Revenue Officer in assigning the very same land in favour of another set of third parties through his proceedings dated 14.12.1994, the matter came to be agitated by way of an Appeal before the Sub Collector, Madanapalle who while entertaining the Appeal of the writ petitioner, passed orders through his proceedings dated 12.5.1997 which are impugned in this writ petition.

The Sub Collector noticed that the orders of the Mandal Revenue Officer dated 1.10.1993 in canceling the patta granted in favour of the present writ petitioner on 31.3.1990 as also the subsequent assignment in favour of another set of third parties, both are in contravention of the principles of natural justice as no prior opportunity has been afforded to parties concerned. Therefore, he had no hesitation to set aside the orders passed by the Mandal Revenue Officer in canceling the assignment made in favour of the writ petitioner on 31.3.1990. As a consequence thereof, since the subsequent orders passed by the Mandal Revenue Officer on 14.12.1994 assigning this very piece of land in favour of another set of third parties becomes untenable and unsustainable, the said order dated 14.12.1994 has also been set aside. However, the Sub Collector gave consequential directions to the Mandal Revenue Officer to assign the land in question duly observing the norms of assignment after putting the parties on notice and after canceling their assignments.

The writ petitioner is in fact aggrieved by this later portion of the

order of the Sub collector, but not by the earlier portion. It is obvious that the assignment granted in favour of the writ petitioner on 31.3.1990 by the Mandal Revenue Officer is what is asked to be re-examined by the Sub Collector through the impugned order. In principle, there could not have been any sustainable objection preventing the State Government and its revenue administration from re-examining the assignments or allotments made in favour of the beneficiaries at a later point of time. But any such examination or follow up action has got to be done in conformity with the principles of natural justice by providing a fair and reasonable opportunity to the person likely to be affected to put forth his case. It is certainly open to the State Government to examine as to the eligibility and suitability of the beneficiary before making any assignment. For that purpose, the State Government had already evolved a priority programme of assigning lands in favour of the poorer sections of the society by considering the claims of eligible scheduled castes, scheduled tribes, backward classes and other economically weaker sections who deserve the State's patronage. The precious resources of the State, particularly the lands, that are available, have got to be put to proper and effective use. They have got to be dealt with to secure not only optimum utilization by increasing the productivity but also by ensuring that the benefits derived therefrom percolate to the targeted sections of the society to qualitatively improve upon their lot. Distribution of the resources available with the State in the manner in which the objectives enshrined in Part IV of the Constitution are achieved, should be the key factor. Therefore, I do not find any error of jurisdiction on the part of the Sub Collector in ordering for a comprehensive relook at the suitability and eligibility of the writ petitioner for securing the assignment of the land in question.

Significantly, the original assignment made in favour of Chinnappa long years back had in fact lapsed by his death without leaving any

successors. Therefore, the State's revenue administration should undertake re examination of the suitability of the assignment of the land in question in favour of the most eligible lot. In the process, the State's revenue administration is also bound to take into account the ground reality of the position of the land and the improvements made thereon by the writ petitioner. If the said assertions of the writ petitioners were found to be true, it is open to the revenue administration to consider the claims of the writ petitioner also along with all other eligible and suitable categories in whose favour the assignment of the land can be resorted to and take a decision considered appropriate in the matter. The entire exercise be complied within a period of three months and till such time, the writ petitioner be continued in possession and if there is any standing crop raised thereon, the same be not disturbed.

With this, the writ petition stands disposed of. No costs.

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NOOTY RAMA MOHANA RAO.J.

22.8.2007
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